

FILEDUNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

JUL 28 2023

for the

MITCHELL R. ELFERS
CLERK OF COURT

District of New Mexico

United States of America

v.

Nathan Albert WALLACE

Case No.

23-1193MJ

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 31, 2023 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 922(g)

Possession of ammunition by a prohibited person

This criminal complaint is based on these facts:

See attached "Affidavit"

☒ Continued on the attached sheet.*Complainant's signature*

Marchand T. MacDermotRoe, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence. - by telephone. JHR

Date: July 28, 2023*Judge's signature*City and state: Las Cruces, New Mexico

, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

1. This affidavit is made in support of a criminal complaint charging Nathan Albert WALLACE, with violation of 18 U.S.C. § 922(g), Possession of ammunition by a prohibited person.

2. I am a Federal Bureau of Investigation (FBI) Special Agent currently assigned to the FBI Albuquerque Division, Las Cruces Resident Agency. I have been an FBI Special Agent since February 2022. As an FBI Special Agent, I am authorized to investigate crimes involving violations of the Firearms Act, including violations of 18 U.S.C. § 922(g).

3. I am familiar with the facts and circumstances of the investigation into WALLACE. The information set forth in this affidavit has been derived from my own investigation or communicated to me by other sworn law enforcement officers or reliable sources.

4. On or about May 31, 2023, an officer of the Dona Ana County Sheriff's Department observed a man, later identified as WALLACE, in the children's playground of East Mesa Baptist Church. The officer informed WALLACE that he was not allowed to be there. WALLACE claimed he was there to charge his laptop. The officer told WALLACE he had to pack up his things and leave.

5. The officer walked with WALLACE to gather WALLACE's personal belongings when the officer noticed that WALLACE had a metal pipe with two end caps on either end. The officer asked WALLACE what was in the pipe and WALLACE responded, "it's gunpowder." The officer detained WALLACE and notified a Dona Ana County Sheriff's Department Bomb Technician.

6. A Dona Ana County Sheriff's Department Bomb Technician examined the device which was approximately ½ inch in diameter, approximately 8 inches in length, with a 1/8 inch hole drilled into one of the end caps. The Dona Ana County Sheriff's Department Bomb Technician officer stated in his report that he secured the device. On July 27, 2023, the device was examined by Federal Bureau of Investigation Special Agent Bomb Technician Daniel Stevens who discovered that there was a fuse inside the aforementioned device.

7. On the night of May 31, 2023, Dona Ana County Sheriff's Department officers searched WALLACE's belongings and discovered a 20-gauge Winchester AA High Strength shotgun shell, a motion sensor, two cell phones, a rechargeable green battery with wire attached to it, black bridge wire with battery pack, several lengths of wire, a cell phone battery and black laptop. Based on my training and experience, both batteries appear to have been modified from their original design.

8. On July 27, 2023, the Federal Bureau of Investigation was made aware of an individual entering the playground of J. Paul Taylor Academy, a Kindergarten-8th Grade Public Charter School located at 402 West Court Avenue Building 2, Las Cruces, New Mexico 88005, during school hours reportedly stating a desire to plug in his "tech devices." Agents of the Federal Bureau of Investigation reviewed the school's security camera footage and interviewed one of the school's teachers. The teacher was presented with a photograph of WALLACE and positively identified the individual who had entered the school playground as WALLACE.

9. WALLACE is a convicted felon. WALLACE was previously convicted of a felony offense punishable by more than one year of imprisonment in 2005 on four counts of Forgery (NM 3rd degree felony) in Case No. D-307-CR-2004-00307, in 2010 on one count of Possession of Explosive Device or Incendiary Device (NM 4th degree felony), one count Possession of Explosive Device or Incendiary Device – Conspiracy (NM 4th degree felony), and Possession of Destructive

Device or Firearm by a Felon (NM Petty Misdemeanor) in Case No. D-307-CR-2005-01228. Therefore, by federal law under 18 U.S.C. § 922, WALLACE is prohibited from handling or possessing a firearm or ammunition.

10. Based on my training and experience, and in consultation with trained Special Agents of the Federal Bureau of Investigation (FBI), I believe that neither the ammunition possessed by WALLACE on May 31, 2023, nor gun powder contained within said ammunition, was manufactured within the state of New Mexico. Specifically, Winchester ammunition is manufactured in Oxford, Mississippi, and East Alton, Illinois. Therefore, the ammunition, or some component thereof, that WALLACE possessed on May 31, 2023, had traveled in interstate commerce to be present in the State of New Mexico.

11. Based on the foregoing, there is probable cause to believe that Nathan Albert WALLACE violated 18 U.S.C. § 922(g), Possession of ammunition by a prohibited person.

12. Assistant United States Attorney Ryan Ellison approved the charges filed in this criminal complaint.

DATED: 07/28/2023



Marchand Thomas MacDermotRoe
Special Agent
Federal Bureau of Investigation

Sworn to before me this 28 day of July
2023. - by telephone. JHR


UNITED STATES MAGISTRATE JUDGE